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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 **FREDRICK ALEX KARONY,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
14)
15 vs.)
16)
17 **RESURGENT CAPITAL SERVICES,**)
18 **LP,**)
19)
20 Defendant.)

21 **I. INTRODUCTION**

22 1. This is an action for damages brought by an individual consumer for
23 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et*
24 *seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive,
25 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy
26 ancillary to Defendant's collection efforts.

27 **II. JURISDICTION**

28 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Fredrick Alex Karony, is a natural person residing in Nevada.

4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

1 5. Defendant, Resurgent Capital Services, LP, is a corporation engaged in the
2 business of collecting debts by use of the mails and telephone, and Defendant regularly
3 attempts to collect debts alleged to be due another.
4

5 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §
6 1692a(6) trying to collect a “debt” as defined by 15 U.S.C. §1692(a)(5).
7

8 **IV. FACTUAL ALLEGATIONS**

9 7. At various and multiple times prior to the filing of the instant complaint,
10 including within the one year preceding the filing of this complaint, Defendant
11 contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s
12 conduct violated the FDCPA in multiple ways, including but not limited to:
13

14 a) Using false representations and deceptive practices in connection with
15 collection of an alleged debt from Plaintiff, including providing validation
16 on behalf of Associated Recovery Systems without explaining how or
17 why Resurgent responded for Associated Recovery Systems (§
18 1692e(10));
19

20 b) Using false representations and deceptive practices in connection with
21 collection of an alleged debt from Plaintiff, including confusing Plaintiff
22 by providing validation of the debt to Plaintiff and in the same letter
23 stating that Plaintiff has the right to request validation (§ 1692e(10));
24

25 c) After having received a written communication from Plaintiff disputing
26 the debt, continuing to contact Plaintiff without having first having
27 provided validation of the debt (§ 1692g(b)).
28

1
2 8. Defendant's aforementioned violations of the FDCPA also constitute an
3 invasion of Plaintiff's right to privacy, causing injury to Plaintiff's feelings, mental
4 anguish and distress.

5
6 9. Defendant's aforementioned violations of the FDCPA also constitute an
7 intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's
8 life, conducted in a manner highly offensive to a reasonable person. With respect to
9 these activities of Defendant, Plaintiff had a subjective expectation of privacy that was
10 objectively reasonable under the circumstances.

11
12 **COUNT I: VIOLATION OF FAIR DEBT**
13 **COLLECTION PRACTICES ACT**

14
15 10. Plaintiff reincorporates by reference all of the preceding paragraphs.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
18 Defendant for the following:

- 19
20 A. Declaratory judgment that Defendant's conduct
21 violated the FDCPA;
22 B. Actual damages;
23 C. Statutory damages;
24 D. Costs and reasonable attorney's fees; and,
25 E. For such other and further relief as may be just and proper.

26 **COUNT II: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

27
28 11. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this 17th day of June, 2009

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